

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES &
SERVICE, INC.,

Plaintiff,

V.

MACK TRUCKS, INC.,

Defendant.

Civil Action No. 2:02-CV-04373-RLB

JURY TRIAL DEMANDED

MACK TRUCKS, INC.,

Counterclaim
Plaintiff,

V.

TOLEDO MACK SALES & SERVICE,
INC. and

PAI INDUSTRIES, INC.,

Counterclaim Defendants.

JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of the Motion of Plaintiff Toledo Mack Sales & Service, Inc. to Dismiss Defendant Mack Trucks, Inc.'s Counterclaims Against Plaintiff Toledo Mack Sales & Service, Inc., Pursuant To Fed. R. Civ. P. 12(b)(6), and any response thereto, it is hereby ORDERED that said Motion to Dismiss is GRANTED and that Counts I, II, III, and VI of Defendants COUNTERCLAIM are DISMISSED with prejudice as to Plaintiff Toledo Mack Sales &

Service, Inc. and judgment is hereby ENTERED in favor of Toledo Mack Sales & Service, Inc.
and against Mack Trucks, Inc..

BY THE COURT:

Buckwalter, J.